



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTORSHIP ..... Curtis Gregory Kelsay  
APPLICATION SERIAL NO. ..... 10/053,989  
FILED ..... January 19, 2002  
CONFIRMATION NO. ..... 5126  
ART. UNIT ..... 2625  
EXAMINER ..... Worku, Negussie  
ATTORNEY DOCKET NO. ..... 10017364-1  
TITLE: **OPTICAL SCANNING APPARATUS HAVING SELF-PROPELLED LIGHT BAR ASSEMBLY**

**PTO TRANSMITTAL LETTER AND CERTIFICATE OF MAILING**

To: Mail Stop APPEAL BRIEF – PATENTS From: John S. Reid  
Commissioner for Patents Reidlaw, L.L.C.  
P.O. Box 1450 1926 South Valleyview Lane  
Alexandria, VA 22313-1450 Spokane, WA 99212-0157  
Telephone: (509) 534-5789  
Fax: (509) 532-0351

Enclosed are:

1. Return Receipt Postcard (X2)
2. Check for \$120
3. Transmittal Letter and Certificate of Mailing
4. Fees Transmittal form (PTO/SB/17) (X2)
5. Communication (2 pages)
6. Copy of "Notification of Non-Compliant Appeal Brief" dated Aug. 21, 2007
7. "Replacement Summary of Claimed Subject Matter for the Appeal Brief" (3 pages)

Submitted by:

Date: October 2, 2007

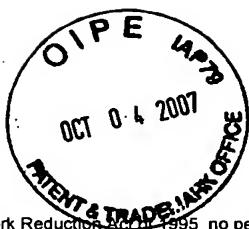
By: John S. Reid  
John S. Reid  
Reg. No. 36,369  
Attorney and agent for Applicant

**CERTIFICATE OF MAILING**

I hereby certify the items listed above as enclosed are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the below-indicated date.

Date: October 2, 2007

By: John S. Reid  
John S. Reid



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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 120.00)

### Complete if Known

Application Number	10/053,989
Filing Date	01/19/2002
First Named Inventor	Curtis Gregory KELSAY
Examiner Name	Worku, Negussie
Art Unit	2625
Attorney Docket No.	10017364-1

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
- 20 or HP =	x	=		50	25
HP = highest number of total claims paid for, if greater than 20.				210	105
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	370	185
- 3 or HP =	x	=			

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		=

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): One month extension of time under 37 CFR 1.136(a)

\$120.00

### SUBMITTED BY

Signature	<i>John S. Reid</i>	Registration No. 36,369 (Attorney/Agent)	Telephone (509) 534-5789
Name (Print/Type)	John S. Reid		Date Oct. 2, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,989	01/19/2002	Curtis Gregory Kelsay	10017364-1	5126

7590                    08/21/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 08/21/2007✓



Please find below and/or attached an Office communication concerning this application or proceeding.



**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.	Applicant(s)	
10/053,989	KEL SAY, CURTIS GREGORY	
Examiner WORKU, NEGUSIE	Art Unit 2625	

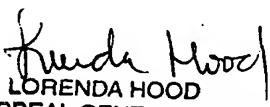
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 20 July 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order. .
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):

Item 4. The claimed invention does not refer to the specification by page and line number.

  
 LORENDA HOOD  
 PATENT APPEAL CENTER SPECIALIST



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date of Deposit: October 02, 2007

Typed Name of Person Mailing Paper or Fee: John S. Reid

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Signature: John S. Reid

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PATENT APPLICATION  
Docket No.: 10017364-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND  
INTERFERENCES

15

In re application of:

20 Inventor(s): Curtis Gregory Kelsay  
Serial No.: 10/053,989  
Filed: January 19, 2002  
Title: Optical Scanning Apparatus Having Self-Propelled Light  
Bar Assembly  
25 Art Unit: 2625  
Examiner: Worku, Negussie  
Confirmation No.: 5126

30 Mail Stop APPEAL BRIEF – PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

35 COMMUNICATION and  
REQUEST FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

SIR OR MADAM:

40 In response to the "Notification of Non-Compliant Appeal Brief" mailed on August  
21, 2007, the Appellant hereby submits a "Replacement Summary of Claimed Subject  
Matter for the Appeal Brief" (Section 5) to the Appeal Brief filed on July 20, 2007 (in  
compliance with MPEP 1205.03). A copy of the "Notification of Non-Compliant Appeal  
Brief" mailed on August 21, 2007 is enclosed herewith.

45 (Continued on next page.)

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01 FC:1251

Docket No. 10017364-1  
Appeal Brief Replacement Section